



# House of Representatives

General Assembly

**File No. 404**

February Session, 2008

Substitute House Bill No. 5808

*House of Representatives, April 3, 2008*

The Committee on Public Health reported through REP. SAYERS, P. of the 60th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SOCIAL SECURITY NUMBERS ON VITAL RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-48 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Not later than ten days after each live birth which occurs in this  
4 state, a birth certificate shall be filed with the registrar of vital statistics  
5 in the town in which the birth occurred and the certificate shall be  
6 registered if properly filed, by manual or electronic systems as  
7 prescribed by the commissioner. On and after January 1, 1994, each  
8 hospital with two hundred or more live births in calendar year 1990, or  
9 any subsequent calendar year, shall electronically transmit birth  
10 information data to the department in a computer format approved by  
11 the department. Each birth certificate shall contain such information as  
12 the department may require and shall be completed in its entirety.  
13 [Medical] The Social Security number of the mother and father and  
14 health information which is required by the department, including

15 information regarding voluntary acknowledgments of paternity and  
16 whether the child was born out of wedlock, shall be recorded on a  
17 confidential portion of the certificate to be sent directly to the  
18 department. Such confidential records may be used for statistical and  
19 health purposes by the department or by a local director of health, as  
20 authorized by the department, for records related to the town served  
21 by the local director of health and where the mother was a resident at  
22 the time of the birth of the child. Such birth certificate and confidential  
23 records may be used internally by the hospital for records transmitted  
24 by the hospital for statistical, health and quality assurance purposes.  
25 The department shall give due consideration to national uniformity in  
26 vital statistics in prescribing the format and content of such certificate.

27 (b) When a birth occurs in an institution or en route thereto, the  
28 person in charge of the institution or such person's designated  
29 representative shall obtain all available data required by the certificate,  
30 prepare the certificate, certify that the child was born alive at the place  
31 and time and on the date stated either by signature or by an electronic  
32 process approved by the commissioner and file the certificate with the  
33 registrar of vital statistics in the town in which the birth occurred, not  
34 later than ten days after such birth. The physician or other person in  
35 attendance, and the physician, institution or other person providing  
36 prenatal care, shall provide the medical information required by the  
37 certificate not later than seventy-two hours after the birth.

38 (c) When a birth occurs outside an institution, the certificate shall be  
39 prepared and filed by the physician or midwife in attendance at or  
40 immediately after the birth or, in the absence of such a person, by the  
41 father or mother.

42 (d) When a birth occurs in a moving conveyance and the child is  
43 first removed from the conveyance in this state, the birth shall be  
44 registered in this state and the place where the child is first removed  
45 shall be considered the place of birth.

46 Sec. 2. Section 7-51 of the general statutes is repealed and the  
47 following is substituted in lieu thereof (*Effective October 1, 2008*):

48 (a) The department and registrars of vital records shall restrict  
49 access to and issuance of a certified copy of birth and fetal death  
50 records and certificates less than one hundred years old, to the  
51 following eligible parties: (1) The person whose birth is recorded, if  
52 over eighteen years of age; (2) such person's children, grandchildren,  
53 spouse, parent, guardian or grandparent; (3) the chief executive officer  
54 of the municipality where the birth or fetal death occurred, or the chief  
55 executive officer's authorized agent; (4) the local director of health for  
56 the town or city where the birth or fetal death occurred or where the  
57 mother was a resident at the time of the birth or fetal death, or the  
58 director's authorized agent; (5) attorneys-at-law and title examiners  
59 representing such person or such person's parent, guardian, child or  
60 surviving spouse; (6) members of genealogical societies incorporated  
61 or authorized by the Secretary of the State to do business or conduct  
62 affairs in this state; (7) agents of a state or federal agency as approved  
63 by the department; and (8) researchers approved by the department  
64 pursuant to section 19a-25. Except as provided in section 19a-42a,  
65 access to confidential files on paternity, adoption, gender change or  
66 gestational agreements, or information contained within such files,  
67 shall not be released to any party, including the eligible parties listed  
68 in this subsection, except upon an order of a court of competent  
69 jurisdiction.

70 (b) No person other than the eligible parties listed in subsection (a)  
71 of this section shall be entitled to examine or receive a copy of any  
72 birth or fetal death certificate, record or information, or disclose any  
73 matter contained therein, except upon written order of a court of  
74 competent jurisdiction. Nothing in this section shall be construed to  
75 permit disclosure of (1) Social Security numbers, (2) information  
76 contained in the "information for medical and health use only" section  
77 of a birth certificate, or (3) the "information for statistical purposes  
78 only" section of a birth certificate, other than the [Social Security  
79 numbers,] race and ethnicity information of the parent or parents  
80 recorded in the "administrative purposes" section of an electronically  
81 filed birth or fetal death certificate or displayed on a manually filed  
82 birth or fetal death certificate, unless specifically authorized by state or

83 federal law or by the department for statistical or research purposes.  
84 Such confidential information, other than the excluded information set  
85 forth in this subsection, shall not be subject to subpoena or court order  
86 and shall not be admissible before any court or other tribunal.

87 (c) The registrar of the town in which the birth or fetal death  
88 occurred or of the town in which the mother resided at the time of the  
89 birth or fetal death, or the department, may issue a certified copy of the  
90 certificate of birth or fetal death of any person born in this state which  
91 is kept in paper form in the custody of the registrar. Such certificate  
92 shall be issued upon the written request of an eligible party listed in  
93 subsection (a) of this section. Any registrar of vital statistics in this  
94 state with access, as authorized by the department, to the electronic  
95 vital records system of the department may issue a certified copy of  
96 the electronically filed certificate of birth or fetal death of any person  
97 born in this state upon the written request of an eligible party listed in  
98 subsection (a) of this section.

99 (d) The department and each registrar of vital statistics shall issue  
100 only certified copies of birth certificates or fetal death certificates for  
101 births or fetal deaths occurring less than one hundred years prior to  
102 the date of the request.

103 Sec. 3. Subsection (a) of section 7-50 of the general statutes is  
104 repealed and the following is substituted in lieu thereof (*Effective*  
105 *October 1, 2008*):

106 (a) No certificate of birth shall contain any specific statement that  
107 the child was born in or out of wedlock or reference to illegitimacy of  
108 the child or to the marital status of the mother, except that information  
109 on whether the child was born in or out of wedlock and the marital  
110 status of the mother shall be recorded on a confidential portion of the  
111 certificate pursuant to section 7-48, as amended by this act. Upon the  
112 completion of an acknowledgment of paternity at a hospital,  
113 concurrent with the hospital's electronic transmission of birth data to  
114 the department, or at a town in the case of a home birth, concurrent  
115 with the registration of the birth data by the town, the

116 acknowledgment shall be filed in the paternity registry maintained by  
117 the department, as required by section 19a-42a, and the name of the  
118 father of a child born out of wedlock shall be entered in or upon the  
119 birth certificate or birth record of such child. All properly completed  
120 post birth acknowledgments or certified adjudications of paternity  
121 received by the department shall be filed in the paternity registry  
122 maintained by the department, and the name of the father of the child  
123 born out of wedlock shall be entered in or upon the birth record or  
124 certificate of such child by the department, if there is no paternity  
125 already recorded on the birth certificate. If another father's information  
126 is recorded on the certificate, the original father's information shall not  
127 be removed except upon receipt by the department of a certified order  
128 by a court of competent jurisdiction in which there is a finding that the  
129 individual recorded on the birth certificate, specifically referenced by  
130 name, is not the child's father, or a finding that a different individual  
131 than the one recorded, specifically referenced by name, is the child's  
132 father. The name of the father on a birth certificate or birth record shall  
133 otherwise be removed or changed only upon the filing of a rescission  
134 in such registry, as provided in section 19a-42a. The Social Security  
135 number of the father of a child born out of wedlock may be entered in  
136 or upon the birth certificate or birth record of such child if such  
137 [disclosure] entry is done in accordance with section 7-48, as amended  
138 by this act, and 5 USC 552a note.

139 Sec. 4. Section 7-51a of the general statutes is repealed and the  
140 following is substituted in lieu thereof (*Effective October 1, 2008*):

141 (a) Any person eighteen years of age or older may purchase certified  
142 copies of marriage and death records, and certified copies of records of  
143 births or fetal deaths which are at least one hundred years old, in the  
144 custody of any registrar of vital statistics. The department may issue  
145 uncertified copies of death certificates for deaths occurring less than  
146 one hundred years ago, and uncertified copies of birth, marriage,  
147 death and fetal death certificates for births, marriages, deaths and fetal  
148 deaths that occurred at least one hundred years ago, to researchers  
149 approved by the department pursuant to section 19a-25, and to state

150 and federal agencies approved by the department. During all normal  
151 business hours, members of genealogical societies incorporated or  
152 authorized by the Secretary of the State to do business or conduct  
153 affairs in this state shall (1) have full access to all vital records in the  
154 custody of any registrar of vital statistics, including certificates,  
155 ledgers, record books, card files, indexes and database printouts,  
156 except for those records containing Social Security numbers protected  
157 pursuant to 42 USC 405 (c)(2)(C), and confidential files on adoptions,  
158 gender change, gestational agreements and paternity, (2) be permitted  
159 to make notes from such records, (3) be permitted to purchase certified  
160 copies of such records, and (4) be permitted to incorporate statistics  
161 derived from such records in the publications of such genealogical  
162 societies. For all vital records containing Social Security numbers that  
163 are protected from disclosure pursuant to federal law, the Social  
164 Security numbers contained on such records shall be redacted from  
165 any certified copy of such records issued to a genealogist by a registrar  
166 of vital statistics.

167 (b) For marriage and civil union licenses, the Social Security  
168 numbers of the [bride and the groom] parties to the marriage or civil  
169 union shall be recorded in the "administrative purposes" section of the  
170 marriage or civil union license and the application for such license. All  
171 [parties] persons specified on the license, including the [bride, groom]  
172 parties to the marriage or civil union, officiator [of the marriage] and  
173 [town clerk or] local registrar [, or other persons, as authorized by the  
174 commissioner,] shall have access to the Social Security numbers  
175 specified on the marriage or civil union license and the application for  
176 such license for the purpose of processing the license. Only the parties  
177 to a marriage or civil union may receive a certified copy of a marriage  
178 or civil union license with the Social Security numbers included on the  
179 license. Any other individual, researcher or state or federal agency  
180 requesting a certified or uncertified copy of any marriage or civil union  
181 license in accordance with the provisions of this section shall be  
182 provided such copy with such Social Security numbers removed or  
183 redacted, or with the "administrative purposes" section omitted.

184 (c) For deaths occurring after December 31, 2001, the Social Security  
 185 number, occupation, business or industry, race, Hispanic origin if  
 186 applicable, and educational level of the deceased person, if known,  
 187 shall be recorded in the "administrative purposes" section of the death  
 188 certificate. All parties specified on the certificate, including the  
 189 informant, licensed funeral director, licensed embalmer, conservator,  
 190 surviving spouse, physician and town clerk, [or other persons, as  
 191 authorized by the commissioner,] shall have access to the Social  
 192 Security numbers of the decedent as well as other information  
 193 contained in the "administrative purposes" section specified on [both]  
 194 the original death certificate [and a certified copy. Any other  
 195 individual requesting a certified or uncertified copy of any death  
 196 certificate, for a death occurring after July 1, 1997, shall be provided  
 197 such copy with the Social Security numbers removed or redacted, or  
 198 with the "administrative purposes" section omitted] for the purpose of  
 199 processing the certificate. For any death occurring after July 1, 1997,  
 200 only the surviving spouse or next of kin may receive a certified copy of  
 201 a death certificate with the decedent's Social Security number or the  
 202 complete "administrative purposes" section included on the certificate.  
 203 Any researcher requesting a death certificate for a death occurring  
 204 after July 1, 1997, may obtain the information included in the  
 205 "administrative purposes" section of such certificate, except that the  
 206 decedent's Social Security number shall be redacted.

207 (d) The registrar of vital statistics of any town or city in this state  
 208 that has access to an electronic vital records system, as authorized by  
 209 the department, may use such system to issue certified copies of birth,  
 210 death, fetal death or marriage certificates that are electronically filed in  
 211 such system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	7-48
Sec. 2	October 1, 2008	7-51
Sec. 3	October 1, 2008	7-50(a)
Sec. 4	October 1, 2008	7-51a

**PH**      *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

It is anticipated that the Department of Public Health and local registrars of vital records will be able to comply with the bill's provisions concerning redacting social security numbers on vital records prior to issuance within normally budgeted resources.

Changes in the bill will result in no fiscal impact for the Office of the Chief Medical Examiner.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 5808*****AN ACT CONCERNING SOCIAL SECURITY NUMBERS ON VITAL RECORDS.*****SUMMARY:**

Federal law makes confidential any Social Security numbers (SSNs) and related records obtained under any law enacted on or after October 1, 1990 and prohibits state or local officials from disclosing them. This bill tightens access to SSNs on birth and fetal death certificates recorded before that date and on marriage and death certificates recorded before July 1, 1997 when state law first required recording them.

This bill bars disclosure of parents' SSNs recorded on birth or fetal death certificates unless state or federal law or the Public Health Department (DPH) authorizes disclosure for statistical or research purposes. Current law permits disclosure of parents' SSNs to various parties. The bill also requires registrars of vital statistics to record this information in the confidential portion of the certificates instead of the "information for statistical purposes only" section.

The bill extends several marriage license laws to civil union licenses and limit access to SSNs on both marriage and civil union licenses. And it limits those who can get a certified copy of certain death certificates containing an SSN.

EFFECTIVE DATE: October 1, 2008

**SOCIAL SECURITY NUMBERS ON VITAL RECORDS*****Birth and Fetal Death Certificates***

Currently, parents' SSNs are recorded in the information for

statistical purposes only section of birth and fetal death certificates, and SSNs on certificates less than 100 years old may be disclosed to various parties. These parties include the child's close relatives; the chief elected official or health director of the town where the birth or fetal death occurred; attorneys representing the child, the child's parents, children, or surviving spouse; genealogists; authorized federal and state officials; and people the Department of Public Health (DPH) specifically authorizes for statistical or research purposes.

The bill requires parents' SSNs to be recorded in these forms' confidential section. It specifies that the law governing access to birth and fetal death records and information is not be construed to permit disclosure of these SSNs, unless state or federal law or DPH specifically authorizes this for statistical or research purposes. By law, information in the confidential section may be used:

1. by DPH or local health directors as authorized by DPH for statistical and health purposes,
2. by local health directors for town-related records,
3. by the birthing hospital for statistical, health, and quality assurance.

DPH can currently authorize disclosure of otherwise confidential information in the "information for medical and health use only" and the "information for statistical purposes only" sections for statistical or research purpose. The bill also permits disclosure if state or federal law authorizes it for these purposes. In practice neither of these sections is issued with a copy of the certificate.

### ***Marriage and Civil Union Licenses***

The bill applies existing law governing recording SSNs on marriage licenses to civil union licenses. It requires the SSNs of parties to a civil union to be (1) recorded in the "administrative purposes" section of the license application and the license and (2) redacted or removed from any copy of a license given to people not otherwise authorized to

obtain the number or to a state or federal agency that requests one.

For both marriages and civil unions, the bill (1) specifies that the officiator's and the local registrar's access to the parties' SSNs is only for processing the license; (2) eliminates the public health commissioner's ability to authorize other people to have access to the parties' SSNs on the license; and (3) allows only the parties to get a certified copy of the license containing their SSNs.

### ***Death Certificates***

The law requires recording decedents' SSNs on the death certificate, but for people who died after December 31, 2001 this information is recorded in an administrative purposes section. The bill specifies that the people listed on the death certificate, including the funeral director, embalmer, surviving spouse, conservator, physician, and town clerk can have access to the SSN and other information in the administrative purposes section only to process the certificate.

For deaths occurring after July 1, 1997, the bill permits:

1. only the surviving spouse or next of kin to get a certified copy of a death certificate with the decedent's SSN or with the complete administrative purposes section and
2. any researcher requesting a certified or uncertified copy of a death certificate to obtain the information in the "administrative purposes" section with the decedent's SSN redacted.

Under current law, the registrar can redact or remove the SSN from a death certificate that any individual requests or can omit the administrative purposes section.

### ***Vital Records and Genealogists***

The law gives members of genealogical societies that the secretary of the state recognizes full access to all vital records, except certain confidential files. The bill adds records containing SSNs protected from disclosure by federal law to those exceptions and requires

registrars to redact federally protected SSNs from any certified copy of any vital record they issue to a genealogist.

## **BACKGROUND**

### ***Federal Law***

Federal law requires states or their political subdivisions to obtain parents' SSNs in administering their laws governing birth certificate issuance, but it prohibits them from recording this information on the birth certificate (42 USC 405 (c)(2)(c)(ii)). The law also makes confidential any SSNs and related records obtained under any law enacted on or after October 1, 1990 and prohibits state or local officials from disclosing them (42 USC 405 (c)(2)(c)(viii)(I)).

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable Substitute

Yea    28    Nay   0    (03/14/2008)